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Paper No.

MOSER, PATTERSON & SHERIDAN LLP/  
SEAGATE TECHNOLOGY LLC  
595 SHREWSBURY AVENUE  
SUITE 100  
SHREWSBURY NJ 07702

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Kennedy et al. :  
Application No. 10/693,141 : DECISION ON PETITION  
Filing Date: April 26, 2004 : UNDER 37 C.F.R. § 1.182  
Attorney Docket No.: SEA 2853.1 :  
Title: SINGLE PIECE HUB WITH :  
INTEGRAL UPPER AND LOWER FEMALE :  
CONES AND METHOD FOR MAKING THE :  
SAME :

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed May 12, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed U.S. application (09/498,700) set forth in the benefit claim contained within this petition.

A petition pursuant to 37 C.F.R. § 1.182 is required, as this application is abandoned. A petition pursuant to C.F.R. § 1.78(a)(3) is not required, as the Office recognized the benefit claim on filing. See filing receipt mailed May 6, 2004 and MPEP § 201.11(III)(D).<sup>1</sup>

The petition is **DISMISSED**.

With this petition, Petitioner has included the petition fee and an amendment to the specification which contains a benefit claim.

<sup>1</sup> "[T]he Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt."

This benefit claim cannot be accepted however, as it contains erroneous information: application no. 09/498,700 was filed on February 7, 2000, whereas the benefit claim submitted with this petition contains a filing date of October 23, 2003 for application no. 09/498,700.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

**Petitioner may wish to consider filing an amendment to the specification that contains a benefit claim that contains the correct filing date for prior-filed application 09/498,700.**

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail<sup>2</sup>, hand-delivery<sup>3</sup>, or facsimile<sup>4</sup>. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web<sup>5</sup>.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

5 <https://spportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

cc: SEAGATE TECHNOLOGY LLC  
INTELLECTUAL PROPERTY DEPT. - COL2LGL  
389 DISC DRIVE  
LONGMONT, CO 80503